

REMARKS/ARGUMENTS

Claims 1-40 stand in the present application. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

Request to Acknowledge Claim for Foreign Priority and Receipt of Priority Documents:

Applicant respectfully requests that the next Office Action acknowledge Applicant's claim for foreign priority under 35 U.S.C. §119 and receipt of copies of certified copies of the priority documents.

Rejection Under 35 U.S.C. §112:

Claims 24 and 30-32 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicant traverses this rejection.

With respect to claim 24, base independent claim 19 has been editorially amended so that the first controller is connected on the first network side. The monitor station is also connected on the first network side. The monitor station and the first controller are thus located on the same network side.

With respect to claims 30-32, independent claim 30 recites "a second control" in lines 8-9.

Applicant therefore respectfully requests that the rejection of claims 24 and 30-32 under 35 U.S.C. §112, second paragraph, be withdrawn.

Rejections Under 35 U.S.C. §102 and §103:

Claim 18 was rejected under 35 U.S.C. §102 as allegedly being anticipated by Crichton. Applicant traverses this rejection.

Anticipation under section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574 (Fed. Cir. 1986). Crichton fails to disclose every claim

element of the claimed invention. For example, Crichton fails to disclose “initiating and maintaining a connection between a first controller connected to the network on the first network side and a second controller connected to the network on the second network side, the connection being maintained by the second controller; and ... the second controller controlling the operation of the at least one or more device in response to the device control messages received by the second controller,” as required by independent claim 18.

Independent claim 18 therefore makes clear that the connection established between the first and second controllers is maintained by the second controller (e.g., the controller behind a firewall). By way of example, figure 2 of the present application illustrates the second controller (client controller 20) maintaining the connection which is set up between the second controller (client controller 20) and the first controller (the proxy controller 21) on the other side of the firewall 8. The second controller (client controller 20) is arranged to control the operation of a device in response to device control messages received from the first controller 21. Support for these limitations can be found, for example, in Figs. 2-5 and pages 6-10 of the application. For example, page 7, lines 12-13 states “The client controller 20 will continually try and re-establish the connection if it is lost.”

Crichton fails to disclose, or even suggest, connection maintenance between first and second controllers being performed by the second controller, the second controller controlling the operation of a device in response to device control messages received from the first controller. Indeed, Crichton’s disclosed tunneling technique does not describe the maintenance of the connection after its establishment, and if required, how such a persistent connection is achieved.

Applicant therefore respectfully requests that the rejection of claim 18 under 35 U.S.C. §102 be withdrawn.

Claims 1-5, 11-17, 19-25 and 29-31 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Sit and further in view of Crichton. Applicant traverses this rejection.

In order to establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. The combination of Sit and Crichton fails to teach or suggest all the claim limitations. For example, the combination fails to teach or suggest “a second controller connected to the network on the second network side, for receiving the device control messages from the first controller and controlling the operation of at least one device in response thereto; [and] means for the second controller to maintain a connection between the first controller and the second controller,” as required by independent claim 1 and its dependents.

For the reasons discussed above with respect to independent claim 18, Crichton fails to disclose or suggest in any way that connection maintenance in a connection between a first and second controller is performed by the second controller, the second controller controlling the operation of a device in response to device control messages received from the first controller.

Sit fails to resolve this deficiency of Crichton. In particular, Sit does not resolve the deficiency of Crichton in which a second controller is the component maintaining the connection. Indeed, col. 9, lines 39-41 of Sit disclose the opposite. That is, this portion of Sit discloses that it is the equivalent of the first controller (the remote processor) which has to direct the equivalent of the second controller (the local processor) to send a message to maintain communications between the parties. Applicant therefore respectfully requests that the rejection of claim 1 under 35 U.S.C. §103 be withdrawn.

Independent claim 19 requires “means for the monitor station to establish and maintain a connection between the first controller and the monitor station; wherein the first controller is configured to send said information to the monitor station while the connection remains open

between the first controller and the monitor station.” Independent claim 30 requires, *inter alia*, “initiating and maintaining a connection between a first controller connected to the network on the first network side and a monitor station connected to the network on the first network side, the connection being maintained by the monitor station.” As noted above, Crichton does not explicitly describe the maintenance of the connection after its establishment. The combination of Crichton and Sit fails to teach or suggest the above-noted claim limitations of claims 19 and 30.

Claim 10 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Sit in view of Crichton in view of Wegener, and further in view of Shaw. Claims 26-28 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Sit in view of Crichton and further in view of Shaw. Claim 32 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Sit in view of Crichton and further in view of Johnson. None of these third or fourth references resolve the above-described deficiencies of the Sit/Crichton combination with respect to the above-noted base independent claims. Applicant therefore requests that the rejections of these claims under 35 U.S.C. §103 be withdrawn.

New Claims:

New claims 33-40 have been added. Each of these claims is deemed to be allowable at least for the reasons discussed above with respect to its base independent claim.

Conclusion:

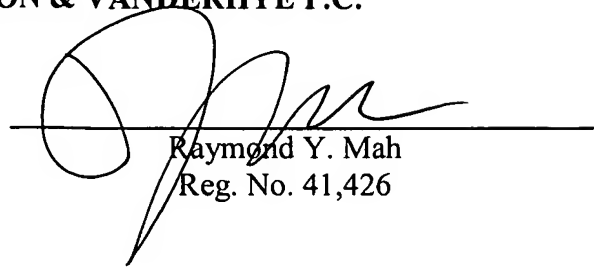
Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

HERON, A. et al.
Appl. No. 10/509,089
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Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

A handwritten signature in black ink, appearing to read 'R. Mah', is written over a horizontal line. The signature is fluid and cursive.

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